

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

THERISA D. ESCUE, BILLY R.
ESCUE, JR., KIM SCHELBE, and
BRIAN P. WEATHERILL, on behalf
of themselves and all others similarly
situated,

Plaintiffs,

v.

UNITED WHOLESALE
MORTGAGE, LLC, UWM
HOLDINGS CORPORATION, SFS
HOLDING CORP., and MATHEW
RANDALL ISHBIA,

Defendants.

Case No. 2:24-cv-10853-BRM-DRG

Hon. Brandy R. McMillion,
United States District Judge

Hon. David R. Grand,
United States Magistrate Judge

**PLAINTIFFS' MOTION FOR LEAVE TO FILE A SUPPLEMENTAL
STATEMENT REGARDING THEIR RESPONSES TO THE
CIVIL COVER SHEET RELATING TO LR 83.11**

Plaintiffs Therisa D. Escue, Billy R. Escue, Kim Schelble, and Brian P. Weatherill (collectively, “Plaintiffs”), by and through their undersigned counsel, and for their Motion for Leave to File a Supplemental Statement Regarding Their Responses to the Civil Coversheet Relating to LR 83.11, state as follows:

1. Plaintiffs and the undersigned filed their Class Action Complaint on April 2, 2024. Pursuant to LR 83.11, Plaintiffs and the undersigned accurately responded to the questions on the civil cover sheet, stating no companion case exists.

2. On May 2, 2024, Defendants filed a “Notice of Potential Related Case,” citing *United Wholesale Mortg., LLC v. America’s Moneyline, Inc.*, Case No. 22-10228 (hereinafter, the “*Moneyline* Litigation”).

3. Defendants’ “Notice of Potential Related Case” endeavors to call into question Plaintiffs’ compliance with LR 83.11. Accordingly, Plaintiffs respectfully request leave to submit a supplemental statement detailing why the *Moneyline* Litigation is not a companion case pursuant to LR 83.11.

4. While Local Rule 7.1 does not articulate a specific legal standard by which to consider the filing of supplemental statements, this Court “has discretion to permit supplementation.” *Clark v. Fountain*, No. 08-11255, 2009 WL 3199060, *6 (E.D. Mich. Sept. 29, 2009).

5. Courts exercise that discretion upon a movant's showing of good cause. *Accord Harshaw v. Bethany Christian Servs.*, No. 1:08-cv-104, 2010 WL 610262, *1 (W.D. Mich. Feb. 19, 2010) (a party is "obligated to assert such good cause in a motion for leave to file a supplemental brief").

6. Good cause exists here for Plaintiffs and the undersigned to file a supplemental statement regarding their responses to the civil cover sheet relating to LR 83.11. For the reasons outlined in Plaintiffs' Supplemental Statement, Defendants are wrong to suggest the *Moneyline* Litigation is a companion case to the present action and the Supplemental Statement will assist this Court in reviewing the issues raised in Defendants' Notice of Potential Related Case.

7. Plaintiffs do not bring this Motion for any improper purpose and will limit their supplemental statement to 7 pages.

8. If granted leave, Plaintiffs will file their supplemental statement within seven days thereafter. The proposed supplemental statement is attached hereto as **Exhibit A**.

9. On May 13, 2024, the undersigned contacted Defendants' counsel to obtain consent to the relief requested in this Motion. Consent was not reached and Defendants' counsel stated they intend to oppose the Motion in a responsive filing.

WHEREFORE, Plaintiffs respectfully requests that this Court grant Plaintiffs leave to file a supplemental statement regarding their responses to the civil cover sheet relating to LR 83.11, not to exceed 7 pages.

Respectfully submitted,

/s/ **Brandon C. Hubbard**

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Counsel for Plaintiffs

May 13, 2024

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Hon. Brandy R. McMillion,
United States District Judge

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United States Magistrate Judge

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO FILE A
SUPPLEMENTAL STATEMENT REGARDING THEIR RESPONSES TO
THE CIVIL COVER SHEET RELATING TO LR 83.11**

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STATEMENT OF QUESTION PRESENTED

Should Plaintiffs be granted leave to file the proposed supplemental statement regarding their responses to the civil cover sheet relating to LR 83.11 when Defendants filed an uninvited “Notice of Potential Related Case” regarding the unrelated case entitled *United Wholesale Mortg., LLC v. America’s Moneyline, Inc.*, Case No. 22-10228, thereby calling into question Plaintiffs’ compliance with LR 83.11?

Plaintiffs Answer: Yes.

MOST APPROPRIATE AUTHORITIES

Clark v. Fountain, No. 08-11255, 2009 WL 3199060 (E.D. Mich. Sept. 29, 2009)

Accord Harshaw v. Bethany Christian Servs., No. 1:08-cv-104, 2010 WL 610262, *1 (W.D. Mich. Feb. 19, 2010)

For their Brief in Support of their Motion for Leave to File a Supplemental Statement Regarding Their Responses to the Civil Coversheet Relating to LR 83.11, Plaintiffs rely on the law and arguments set forth in their Motion.

WHEREFORE, Plaintiffs respectfully requests that this Court grant Plaintiffs leave to file a supplemental statement regarding their responses to the civil cover sheet relating to LR 83.11, not to exceed 7 pages.

Respectfully submitted,

/s/ **Brandon C. Hubbard**

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Counsel for Plaintiffs

May 13, 2024

CERTIFICATE OF SERVICE

I certify that on May 13, 2024, I caused the above to be electronically filed with the Clerk of the Court through the CM/ECF system, which will effectuate service upon all counsel of record.

/s/ **Brandon C. Hubbard**
Counsel for Plaintiffs